



of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

- ☐ **after** (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:

☐ the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below).

*or*

☐ the fee of \$180 set forth in 37 CFR 1.17(p) (see "Fees" below).

- ☐ **after** the mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

- ☐ **after** the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before payment of the issue fee, and **within** thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR 1.704(d) (see "Statement under 37 CFR 1.704(d)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

NOTE: This is for original applications except applications for a design patent, filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with 37 CFR 1.97 and 1.98 is being filed.

#### Information

- ☒ We have been advised that a continuation application no. 11/030,632, claiming the benefit of the present 09/720,726 application has been filed on January 6, 2005, naming Arun K. Ghosh and Khaja A. Hussain as inventors, title "FITNESS ASSAY AND ASSOCIATED METHODS" by attorneys Marshall, Gerstein & Borun LLP, on behalf of the Board of Trustees of the University of Illinois. Documents forwarded to the Patent Office are identified on the enclosed Form PTO-1449.

#### Copies of the Documents

- ☒ Copies of all of the documents listed on the enclosed Form 1449 are enclosed herewith.
- ☐ Copies of U.S. patents and patent applications that are listed on the accompanying Form 1449 are not enclosed herewith. Copies of other references identified on the accompanying Form 1449 are enclosed herewith.
- ☐ Attached to each reference not in the English language is a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3). An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the

degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3).

- ☐ A copy of the foreign search report is enclosed herewith.
- ☐ The references listed on the enclosed Form 1449 were previously identified in the parent application(s) of the present application, and copies of the references were furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with 37 CFR 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC 120 in which copies of the references were previously furnished are set out below:

U.S. APPLICATIONS		Status ( <i>check one</i> )		
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
1.				
2.				
3.				

**Statement under 37 CFR 1.97(e)**

- ☐ The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- ☐ The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

**Statement under 37 CFR 1.704(d)**

- ☐ The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

**Fees**

- ☒ **No fee** is owed by the applicant(s).

In re Appln. of Erickson et al.  
Application No. 09/720,276

☐ The IDS Fee of \$180 under 37 CFR 1.17(p) is enclosed herewith.

**Method of Payment of Fees**

☐ Attached is a check in the amount of \$  
☐ Charge Deposit Account No. 12-1216 in the amount of \$ . (A duplicate copy of this communication is enclosed for that purpose.)

**Authorization to Charge Additional Fees**

☒ If any additional fees are owed in connection with this communication, please charge Deposit Account No. 12-1216. (A duplicate copy of this communication is enclosed for that purpose.)

**Instructions as to Overpayment**

☒ Credit Account No. 12-1216.  
☐ Refund



Xavier Pillai, Reg. No. 39,799  
LEYDIG, VOIT & MAYER, LTD.  
Two Prudential Plaza, Suite 4900  
180 North Stetson Avenue  
Chicago, Illinois 60601-6780  
(312) 616-5600 (telephone)  
(312) 616-5700 (facsimile)

Date: February 25, 2005

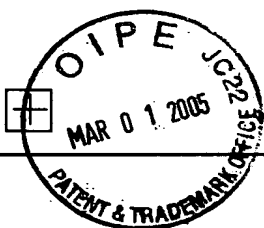
**CERTIFICATE OF MAILING**

I hereby certify that this INFORMATION DISCLOSURE STATEMENT (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop , Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: February 25, 2005



Please type a plus sign (+) inside this box →



Substitute for form 1449A/B/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 1

### Complete if Known

Application Number	09/720,276
Filing Date	March 7, 2001
First Named Inventor	Erickson
Group Art Unit	1648
Examiner Name	E. Le
Attorney Docket Number	207596

### U.S. PATENT DOCUMENTS

Examiner Initials	Doc. No.	U.S. Patent Document		Name of Document	Date of Publication	Filing Date If Appropriate
		Application or Patent Number	Kind Code			
	AA	11/030,632		Utility Patent Application Transmittal with Fee Transmittal		Jan. 6, 2005
	AB	11/030,632		Application Data Sheet		Jan. 6, 2005
	AC	11/030,632		Certificate of Express Mailing		Jan. 6, 2005
	AD	11/030,632		Preliminary Amendment signed January 5, 2005		Jan. 6, 2005
	AE	11/030,632		Specification, Claims, and Abstract		Jan. 6, 2005
	AF	11/030,632		Drawings		Jan. 6, 2005
	AG	11/030,632		Combined Declaration and Power of Attorney signed by John W. Erickson, Sergei V. Gulnik, and Hiroaki Mitsuya (copy from 09/720,276)		Jan. 6, 2005
	AH	11/030,632		Statement Under 37 C.F.R. 1.48(a)(2) (copy from 09/720,276)		Jan. 6, 2005
	AI	11/030,632		Combined Declaration and Power of Attorney signed by Applicant Arun K. Ghosh (copy from 09/720,276)		Jan. 6, 2005
	AJ	11/030,632		Request for Correction of Inventorship of Patent Application Under 37 C.F.R. 1.48(a) (copy from 09/720,276)		Jan. 6, 2005
	AK	11/030,632		Written Consent of Assignee (the Government of the United States...) Under 37 C.F.R. 1.48(a)(5) (copy from 09/720,276)		Jan. 6, 2005
	AL	11/030,632		Written Consent of Assignee (Board of Trustees of the University of Illinois) Under 37 C.F.R. 1.48(a)(5) (copy from 09/720,276)		Jan. 6, 2005
	AM	11/030,632		Assignment from Arun K. Ghosh to the Board of Trustees of the University of Illinois (copy from 09/720,276)		Jan. 6, 2005

### FOREIGN PATENT DOCUMENTS

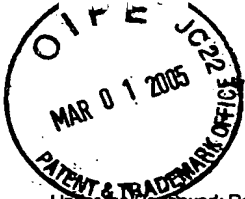
Examiner Initials	Doc. No.	Foreign Patent Document			Name of Patentee or Applicant	Date of Publication	Translation	
		Office	Application or Patent Number	Kind Code			Yes	No**
	AN	WO	99/67417	A2	The United States of America...	Dec. 29, 1999		

Examiner Signature

Date Considered

\* A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(a)(3).

+ An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of relevance under 37 CFR 1.98(a)(3).



<b>UTILITY PATENT APPLICATION TRANSMITTAL</b>  (ONLY FOR NEW NONPROVISIONAL APPLICATIONS UNDER 37 CFR 1.53(B))	<b>Attorney Docket No.</b>	27611/39592
	<b>First Inventor</b>	Arun K. Ghosh
	<b>Title</b>	FITNESS ASSAY AND ASSOCIATED METHODS
	<b>Express Mail Label No.</b>	EV323773032US

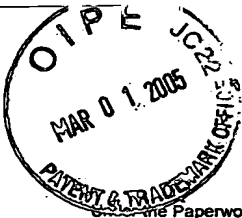
<b>APPLICATION ELEMENTS</b> See MPEP chapter 600 concerning utility patent application contents.	<b>ADDRESS TO:</b> Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
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<b>1.</b> <input checked="" type="checkbox"/> <b>Fee Transmittal Form</b> (e.g., PTO/SB/17) (Submit an original and a duplicate for fee processing) See 37 CFR 1.27.	<b>ACCOMPANYING APPLICATION PARTS</b>  <b>9.</b> <input type="checkbox"/> <b>Assignment Papers</b> (cover sheet & document(s))  Name of Assignee: <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <b>10.</b> <input type="checkbox"/> <b>37 CFR 3.73(b) Statement</b> (when there is an assignee) <input type="checkbox"/> <b>Power of Attorney</b> <b>11.</b> <input type="checkbox"/> <b>English Translation Document</b> (if applicable) <b>12.</b> <input type="checkbox"/> <b>Information Disclosure Statement</b> (PTO/SB/08 or PTO-1449) <div style="text-align: center;"><input type="checkbox"/> Copies of citations attached</div> <b>13.</b> <input checked="" type="checkbox"/> <b>Preliminary Amendment</b>  <b>14.</b> <input checked="" type="checkbox"/> <b>Return Receipt Postcard</b> (MPEP 503) (Should be specifically itemized)  <b>15.</b> <input type="checkbox"/> <b>Certified Copy of Priority Document(s)</b> (if foreign priority is claimed) <b>16.</b> <input type="checkbox"/> <b>Nonpublication Request</b> under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.  <b>17.</b> <input checked="" type="checkbox"/> <b>Other:</b> <div style="border: 1px solid black; padding: 2px;">copy of PCT/US99/14119 application (WO 99/67417)</div>	
<b>2.</b> <input type="checkbox"/> <b>Applicant claims small entity status.</b> See 37 CFR 1.27.		
<b>3.</b> <input checked="" type="checkbox"/> <b>Specification</b> [Total Pages <u>114</u> ] Both the claims and abstract must start on a new page (For information on the preferred arrangement, see MPEP 608.01(a))		
<b>4.</b> <input checked="" type="checkbox"/> <b>Drawing(s)</b> (35 U.S.C. 113) [Total Sheets <u>5</u> ]		
<b>5. Oath or Declaration</b> [Total Sheets <u>      </u> ] <b>a.</b> <input type="checkbox"/> Newly executed (original or copy) <b>b.</b> <input checked="" type="checkbox"/> A copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 18 completed) <b>i.</b> <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b> SIGNED STATEMENT ATTACHED DELETING INVENTOR(S) NAMED IN THE PRIOR APPLICATION, SEE 37 CFR 1.63(D)(2) AND 1.33(B).		
<b>6.</b> <input checked="" type="checkbox"/> <b>Application Data Sheet.</b> See 37 CFR 1.76		
<b>7.</b> <input type="checkbox"/> <b>CD-ROM or CD-R</b> in duplicate, large table or Computer Program (Appendix) <input type="checkbox"/> Landscape Table on CD		
<b>8. Nucleotide and/or Amino Acid Sequence Submission</b> (if applicable, items a. - c. are required) <b>a.</b> <input type="checkbox"/> Computer Readable Form (CRF) <b>b.</b> Specification Sequence Listing on: <b>i.</b> <input type="checkbox"/> CD-ROM or CD-R (2 copies); or <b>ii.</b> <input type="checkbox"/> Paper <b>c.</b> <input type="checkbox"/> Statements verifying identity of above copies		
<b>18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:</b> <input checked="" type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input type="checkbox"/> Continuation-in-part (CIP) of prior application No.: <u>09/720,276</u> Prior application information: Examiner <u>Emily Le</u> Art Unit: <u>1648</u>		

<b>19. CORRESPONDENCE ADDRESS</b>	
<input checked="" type="checkbox"/> The address associated with Customer Number: <u>04743</u>	OR <input type="checkbox"/> Correspondence address below
Name <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	
Address <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	
City <div style="border: 1px solid black; width: 100%;"></div>	State <div style="border: 1px solid black; width: 100%;"></div> Zip Code <div style="border: 1px solid black; width: 100%;"></div>
Country <div style="border: 1px solid black; width: 100%;"></div>	Telephone <div style="border: 1px solid black; width: 100%;"></div> Fax <div style="border: 1px solid black; width: 100%;"></div>

Signature <u>James J. Napoli</u>	Date <u>January 6, 2005</u>
Name (Print/Type) <u>James J. Napoli</u>	Registration No. <u>32,361</u> (Attorney/Agent)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV323773032US, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.	
Dated: January 6, 2005	Signature: <u>J. Quintero</u> (Juan Quintero)



<b>Effective on 12/08/2004.</b> <b>Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</b> <b>FEE TRANSMITTAL</b> <b>For FY 2005</b>		<b>Complete if Known</b>		
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	Not Yet Assigned	
		Filing Date	Concurrently Herewith	
		First Named Inventor	Arun K. Ghosh	
		Examiner Name	Not Yet Assigned	
		Art Unit	N/A	
TOTAL AMOUNT OF PAYMENT	(\$)	1,600.00	Attorney Docket No.	27611/39592

<b>METHOD OF PAYMENT (check all that apply)</b>	
<input checked="" type="checkbox"/> Check	<input type="checkbox"/> Credit Card
<input type="checkbox"/> Money Order	<input type="checkbox"/> None
<input type="checkbox"/> Other (please identify): _____	
<input type="checkbox"/> Deposit Account	
Deposit Account Number: <u>13-2855</u> Deposit Account Name: <u>MARSHALL, GERSTEIN &amp; BORUN LLP</u>	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

<b>FEE CALCULATION</b>							
<b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>							
	<b>FILING FEES</b>		<b>SEARCH FEES</b>		<b>EXAMINATION FEES</b>		
<b>Application Type</b>	<b>Fee (\$)</b>	<b>Small Entity Fee (\$)</b>	<b>Fee (\$)</b>	<b>Small Entity Fee (\$)</b>	<b>Fee (\$)</b>	<b>Small Entity Fee (\$)</b>	<b>Fees Paid (\$)</b>
Utility	300	150	500	250	200	100	1,000.00
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
<b>2. EXCESS CLAIM FEES</b>							
<b>Fee Description</b>							<b>Small Entity Fee (\$)</b>
Each claim over 20 (including Reissues)							50
Each independent claim over 3 (including Reissues)							200
Multiple dependent claims							360
<b>Total Claims</b>		<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	<b>Multiple Dependent Claims</b>		
<u>27</u>		<u>- 20 = 7</u>	<u>x 50.00</u>	<u>= 350.00</u>	<b>Fee (\$)</b>		<b>Fee Paid (\$)</b>
<b>Indep. Claims</b>		<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>			
<u>1</u>		<u>- 3 =</u>	<u>x</u>	<u>=</u>			
<b>3. APPLICATION SIZE FEE</b>							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
<b>Total Sheets</b>	<b>Extra Sheets</b>	<b>Number of each additional 50 or fraction thereof</b>		<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>		
<u>119</u>	<u>- 100 = 19</u>	<u>/50 1</u> (round up to a whole number) x		<u>250.00</u>	<u>= 250.00</u>		
<b>4. OTHER FEE(S)</b>							
Non-English Specification, \$130 fee (no small entity discount)							
Other (e.g., late filing surcharge): _____							

<b>SUBMITTED BY</b>			
Signature		Registration No. (Attorney/Agent)	32,361
Name (Print/Type)	James J. Napoli	Telephone	(312) 474-6300
		Date	January 6, 2005

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Dated: January 6, 2005

Signature:

(Juan Quintero)

Application No. (if known):

Attorney Docket No.: 27611/39592

## Certificate of Express Mailing Under 37 CFR 1.10

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on January 6, 2005  
Date



Signature

Juan Quintero

Typed or printed name of person signing Certificate

Registration Number, if applicable

(312) 474-6300  
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Utility Patent Application Transmittal (1 page)  
Application Data Sheet  
Copy of application  
Copy of published PCT application  
Combined Declaration and Power of Attorney  
Statement Under 37 C.F.R. §1.48(a)(2)  
Combined Declaration and Power of Attorney for A. Ghosh  
Request for Correction of Inventorship of Patent Application Under  
37 C.F.A. §1.48(a)  
Written Consent of Assignee (NIH) Under 37 C.F.R. §1.48(a)(5)  
Written Consent of Assignee (UIC) Under 37 C.F.R. §1.48(a)(5)  
Fee Transmittal  
Check in the amount of \$1,600.00  
Return receipt postcard